

REMARKS

The Examiner is thanked for the due consideration given the application.

Claims 12-20 are pending in the application. Claims 12, 15 and 20 have been amended to better define the present invention in light of the agreement reached in the Interview of December 15, 2009.

No new matter is believed to be added to the application by this amendment.

Statement of Substance of Interview

The Examiner is thanked for graciously conducting a personal interview with the applicant's representative on December 15, 2009. During the interview the patentability of the present invention was discussed in light of the applied art of MARSHALL et al., MORITA and CROSSMAN. During the interview agreement was reached, and language was suggested to distinguish the claimed invention from the prior art including that the thinner central region substantially surrounds the thicker tip encasing region and the tip of the lancet.

At the end of the interview the Examiner prepared an interview summary. The interview summary has been reviewed, and it appears to accurately reflect the substance of the interview.

Double Patenting

The applicant has been advised that should claim 18 be found allowable, that claim 20 will be objected to as being a substantial duplicate thereof.

However, it is respectfully noted that claim 20 stands as an independent claim while claim 18 is a dependent claim that depends upon independent claim 12. Therefore, claims 18 and 20 set forth the present invention as different alternative embodiments.

Accordingly, it is respectfully requested that this objection be withdrawn.

Art Rejections

Claims 12, 14, 18 and 20 have been rejected under 35 USC §103(a) as being unpatentable over MARSHALL et al. in view of MORITA. Claims 13 and 17 has been rejected under 35 USC §103(a) as being unpatentable over MARSHALL et al. in view of MORITA, and further in view of CROSSMAN. Claims 15 and 19 have been rejected under 35 USC §103(a) as being unpatentable over MARSHALL et al. in view of MORITA, and further in view of HIGGINS. Claim 16 has been rejected under 35 USC §103(a) as being unpatentable over MARSHALL et al. in view of MORITA and HIGGINS, and further in view of CROSSMAN.

These rejections are respectfully traversed.

As was agreed to during the interview, the present invention pertains to the design of a twist off cap or tab on a lancet that has embodiments that define over the art of record.

This can be seen in, for example, Figure 1 of the application, which is reproduced below.

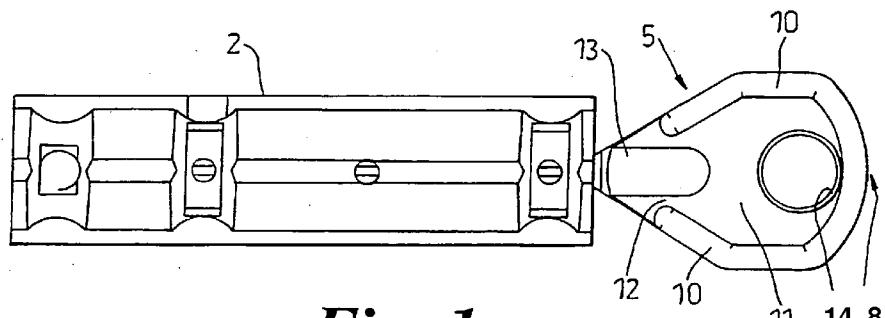


Fig. 1

In the present invention, a removable guard portion has an outer peripheral thickened rib describing a generally U- or C-shape. A central region is of thinner section than the rib and partly surrounded by the rib, and a tip encasing region encases the tip of the needle. The tip encasing region is of thicker section than the central region and is spaced from adjacent ends of the peripheral thickened region such that there are respective gaps therebetween bridged only by the thinner central section. As is typically set forth in independent claim 12, "**said thinner central section substantially surrounding said tip encasing region and the tip.**"

As was agreed to at the interview of December 15, 2009, this type of claim language distinguishes over the art of record.

Additional distinctions of the present invention are of record in the application which, for brevity, are not repeated here.

One of ordinary skill and creativity would thus fail to produce a claimed embodiment of the present invention from a knowledge of MARSHALL et al. and MORITA (and the secondary references). A *prima facie* case of unpatentability has thus not been made.

These rejections are believed to be overcome, and withdrawal thereof is respectfully suggested.

CONCLUSION

The rejections have been overcome, obviated or rendered moot, and it is believed that no issues remain. The Examiner is accordingly respectfully requested to place the application in condition for allowance and to issue a Notice of Allowability.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any

Docket No. 3003-1159
Appln. No. 10/518,513

additional fees required under 37 C.F.R. § 1.16 or under 37
C.F.R. § 1.17.

Respectfully submitted,

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